

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Aug 19, 2022**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Michael John Coe

Case Number: 0980 2:15CR00126-WFN-1

Address of Offender: [REDACTED] Spokane, Washington 99201

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: September 8, 2016

Original Offense: Possession with Intent to Distribute Heroin, 21 U.S.C. § 841(a)(1), (b)(1)(C)

Original Sentence: Prison - 48 months;
TSR - 84 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Richard R. Barker

Date Supervision Commenced: October 2, 2020

Defense Attorney: Amy H. Rubin

Date Supervision Expires: October 1, 2027

PETITIONING THE COURT

To **issue a WARRANT** and incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 06/02/2022, 06/22/2022, 06/23/2022, 06/24/2022, and 07/29/2022.

On October 2, 2020, Mr. Coe's conditions of supervised release specific to 2:15CR00126-WFN-1 were reviewed with him telephonically due to the current and continued COVID-19 pandemic. On November 18, 2020, Mr. Coe reported to the U.S. Probation Office in Spokane, and signed his conditions of supervised release as previously reviewed with him.

The probation officer believes that the offender has violated the following condition(s) of supervision:

| <u>Violation Number</u> | <u>Nature of Noncompliance</u> |
|-------------------------|--------------------------------|
|-------------------------|--------------------------------|

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Standard Condition #2: The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance, including marijuana, which remains illegal under federal law. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

Supporting Evidence: Mr. Coe is alleged to have violated standard condition number 2 by ingesting fentanyl on or about August 15, 2022, based on urinalysis testing.

Specifically, on August 15, 2022, Mr. Coe reported to the U.S. Probation Office as directed to submit to urinalysis testing. Mr. Coe ultimately provided a urinalysis sample for testing that reflected as presumptive positive for fentanyl. Mr. Coe denied ingesting fentanyl and suggested to the testing officer that his prescription for methadone may have contributed to

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the false positive. The sample was packaged and forwarded to the lab for verification by the testing officer. Mr. Coe was later contacted by the undersigned officer on the day in question at his place of employment, at which time the client maintained his denial of having ingested the substance as indicated by the test.

On August 18, 2022, the lab report was received by the undersigned officer in regard to the client's urinalysis sample submitted on August 15, 2022, in which the sample was both determined to be positive for fentanyl and diluted.

8 **Special Condition #21:** The defendant shall abstain from the use of illegal controlled substances, including marijuana, and shall submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Coe is alleged to have violated special condition number 21 by submitting diluted urinalysis samples during required testing on July 18, 26, and August 15, 2022.

Specifically, on November 18, 2020, Mr. Coe reported to the U.S. Probation Office in Spokane, to sign his intake documentation. This documentation included a document titled "substance abuse testing instructions." In the document signed by the client, he was directed to not ingest "large quantities of fluids" for 1-2 hours prior to testing unless otherwise directed by his assigned officer. Mr. Coe has seemingly developed a history of submitting diluted urinalysis samples during testing, and has in the past been directed by the undersigned officer not to ingest copious amounts of water prior to testing as this conduct can dilute the sample.

Mr. Coe has previously stated that he ingests a significant amount of water on a daily basis due to the physical nature of his work. Mr. Coe has been directed to plan for these tests to the best of his ability. Unfortunately, on July 18, 26, and August 15, 2022, Mr. Coe submitted diluted urinalysis samples for testing. Mr. Coe's conduct as outlined herein seems to have developed into pattern behavior with Mr. Coe submitting approximately 7 separate diluted samples in 2022, with 6 of those occurring within the last 4 months, not including those alleged herein. It should be noted that Mr. Coe's behavior of submitting diluted samples during testing has greatly increased in recent months, despite him maintaining a similar work position.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court, and that the Court **issue a WARRANT**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 19, 2022

s/Chris Heinen

Chris Heinen

U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

08/19/2022

Date